

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1141**

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**Introduced by Senator Negrete McLeod**

February 18, 2010

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An act to amend Sections 21670, 21670.1, 21670.4, 21675.1, 21678, 21679, and 21682 of, to add Section 21682.1 to, and to repeal Section 21677 of, the Public Utilities Code, relating to airports.

LEGISLATIVE COUNSEL'S DIGEST

SB 1141, as amended, Negrete McLeod. Airports: airport land use commissions.

(1) The State Aeronautics Act governs the creation and operation of airports in this state. The act provides for the establishment of county airport land use commissions to carry out various requirements, including the formulation of a comprehensive land use compatibility plan to provide for the orderly growth of airports and the area surrounding airports within the jurisdiction of the commission, and to safeguard the general welfare of the inhabitants within the vicinity of an airport and the public in general. The act requires each county in which there is an airport served by a scheduled airline, with certain exceptions, to establish an airport land use commission. Existing law

additionally requires each county in which there is an airport operated for the benefit of the public to establish an airport land use commission, but authorizes the board of supervisors of a county, upon making certain findings, to declare that the county is exempt from establishing an airport land use commission. Existing law requires that an airport land use commission include in its membership, 2 persons having expertise in aviation, as defined.

This bill would revise the definition of a person having expertise in aviation.

(2) Existing law provides that, notwithstanding the above-described requirements, if the board of supervisors and the city selection committee of mayors in the county responsible for appointing a commission each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission pursuant to the act, and a commission need not be formed in that county.

This bill would require that a planning body designated in accordance with these provisions be a countywide body.

(3) Under existing law, the board of supervisors of a county and each affected city in that county may make a determination that proper land use planning can be accomplished by the county and the affected cities, in which case an airport land use commission need not be formed. If a commission is not formed pursuant to these provisions, existing law requires the supervisors of the county and each affected city, subject to the review and approval of the Division of Aeronautics, to provide for the preparation of the airport land use compatibility plan, among other things.

The bill would additionally allow a city in which an airport is located to assume the planning responsibilities of an airport land use commission if, prior to January 1, 2011, the board of supervisors of a county and city council of any city in which an airport was located made a determination that the proper land use planning could be accomplished by the city and other requirements are met.

(4) Under existing law, the general plan or special plans of a local agency, including a city, county, or special district, are required to be consistent with the airport land use compatibility plan, and each local agency whose general plan or plans includes areas covered by an airport land use compatibility plan is required to submit a copy of its plan, any amendment, any zoning ordinance, and any building regulation, to the

airport land use commission, unless exempted, or to the designated body performing planning as an alternative to the airport land use commission. If the plan, amendment, zoning ordinance, or building regulation is inconsistent with the airport land use compatibility plan, the airport land use commission or designated body is required to notify the local agency, and the local agency is required to have a hearing to reconsider its plan or action.

Under existing law, a public agency owning any airport within the boundaries of an airport land use compatibility plan may overrule an airport land use commission's action or recommendation affecting an airport within the jurisdiction of that public agency, after a hearing, by a  $\frac{2}{3}$  vote of its governing body, except the County of Marin, which may overrule by a majority vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes of protecting public health, safety, and welfare, minimizing the public's exposure to excessive noise, and minimizing safety hazards within areas around the public airport.

This bill would repeal the authority of the County of Marin to overrule an airport land use commission's action or recommendation affecting an airport within the county by a majority vote.

(5) Existing law authorizes the department to establish individual revolving fund subaccounts for eligible airports, as specified, in the Aeronautics Account in the State Transportation Fund and to annually credit \$10,000 to individual airport subaccounts. These moneys may be accumulated up to 5 years and are required to be paid to public entities on request for expenditures on preapproved eligible projects for airport and aviation purposes and operation and maintenance purposes.

This bill would require the division, when it determines that funding is sufficient, to inform counties that do not have an operating airport land use commission of the availability of funds for commission startup costs, and would authorize the division to grant fund moneys to counties that apply for funding. The bill would, upon the second anniversary of the division providing notice of the availability of funds, prohibit a county owned or operated airport in a county that does not have an operating airport land use commission or authorized alternative planning body, as defined, to be eligible for funding from the individual airport subaccounts, until that county establishes an operating airport land use commission or authorized alternative planning body.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21670 of the Public Utilities Code is  
2     amended to read:  
3     21670. (a) The Legislature hereby finds and declares that:  
4     (1) It is in the public interest to provide for the orderly  
5     development of each public use airport in this state and the area  
6     surrounding these airports so as to promote the overall goals and  
7     objectives of the California airport noise standards adopted  
8     pursuant to Section 21669 and to prevent the creation of new noise  
9     and safety problems.  
10    (2) It is the purpose of this article to protect public health, safety,  
11    and welfare by ensuring the orderly expansion of airports and the  
12    adoption of land use measures that minimize the public's exposure  
13    to excessive noise and safety hazards within areas around public  
14    airports to the extent that these areas are not already devoted to  
15    incompatible uses.  
16    (b) In order to achieve the purposes of this article, every county  
17    in which there is located an airport which is served by a scheduled  
18    airline shall establish an airport land use commission. Every  
19    county, in which there is located an airport which is not served by  
20    a scheduled airline, but is operated for the benefit of the general  
21    public, shall establish an airport land use commission, except that  
22    the board of supervisors of the county, after consultation with the  
23    appropriate airport operators and affected local entities and after  
24    a public hearing, may adopt a resolution finding that there are no  
25    noise, public safety, or land use issues affecting any airport in the  
26    county that require the creation of a commission and declaring the  
27    county exempt from that requirement. The board, in this event,  
28    shall transmit a copy of the resolution to the Director of  
29    Transportation. For purposes of this section, "commission" means  
30    an airport land use commission. Each commission shall consist of  
31    seven members to be selected as follows:  
32    (1) Two representing the cities in the county, appointed by a  
33    city selection committee comprised of the mayors of all the cities  
34    within that county, except that if there are any cities contiguous  
35    or adjacent to the qualifying airport, at least one representative

1 shall be appointed therefrom. If there are no cities within a county,  
2 the number of representatives provided for by paragraphs (2) and  
3 (3) shall each be increased by one.

4 (2) Two representing the county, appointed by the board of  
5 supervisors.

6 (3) Two having expertise in aviation, appointed by a selection  
7 committee comprised of the managers of all of the public airports  
8 within that county.

9 (4) One representing the general public, appointed by the other  
10 six members of the commission.

11 (c) Public officers, whether elected or appointed, may be  
12 appointed and serve as members of the commission during their  
13 terms of public office.

14 (d) Each member shall promptly appoint a single proxy to  
15 represent him or her in commission affairs and to vote on all  
16 matters when the member is not in attendance. The proxy shall be  
17 designated in a signed written instrument which shall be kept on  
18 file at the commission offices, and the proxy shall serve at the  
19 pleasure of the appointing member. A vacancy in the office of  
20 proxy shall be filled promptly by appointment of a new proxy.

21 (e) A person having an “expertise in aviation” means a person  
22 who, by way of education, training, business, experience, vocation,  
23 or avocation has acquired and possesses particular knowledge of,  
24 and familiarity with, the function, operation, and role of airports.

25 (f) It is the intent of the Legislature to clarify, for the purposes  
26 of this article, that special districts, school districts, and community  
27 college districts are included among the local agencies that are  
28 subject to airport land use laws and other requirements of this  
29 article.

30 SEC. 2. Section 21670.1 of the Public Utilities Code is  
31 amended to read:

32 21670.1. (a) Notwithstanding any other provision of this  
33 article, if the board of supervisors and the city selection committee  
34 of mayors in the county each makes a determination by a majority  
35 vote that proper land use planning can be accomplished through  
36 the actions of an appropriately designated countywide body, then  
37 the body so designated shall assume the planning responsibilities  
38 of an airport land use commission as provided for in this article,  
39 and a commission need not be formed in that county.

1 (b) A body designated pursuant to subdivision (a) that does not  
2 include among its membership at least two members having  
3 expertise in aviation, as defined in subdivision (e) of Section 21670,  
4 shall, when acting in the capacity of an airport land use  
5 commission, be augmented so that body, as augmented, will have  
6 at least two members having that expertise.

7 (c) (1) Notwithstanding subdivisions (a) and (b), and  
8 subdivision (b) of Section 21670, if the board of supervisors of a  
9 county and each affected city in that county each makes a  
10 determination that proper land use planning pursuant to this article  
11 can be accomplished pursuant to this subdivision, then a  
12 commission need not be formed in that county.

13 (2) If the board of supervisors of a county and each affected  
14 city makes a determination that proper land use planning may be  
15 accomplished and a commission is not formed pursuant to  
16 paragraph (1), that county and the appropriate affected cities having  
17 jurisdiction over an airport, subject to the review and approval by  
18 the Division of Aeronautics of the department, shall do all of the  
19 following:

20 (A) Adopt processes for the preparation, adoption, and  
21 amendment of the airport land use compatibility plan for each  
22 airport that is served by a scheduled airline or operated for the  
23 benefit of the general public.

24 (B) Adopt processes for the notification of the general public,  
25 landowners, interested groups, and other public agencies regarding  
26 the preparation, adoption, and amendment of the airport land use  
27 compatibility plans.

28 (C) Adopt processes for the mediation of disputes arising from  
29 the preparation, adoption, and amendment of the airport land use  
30 compatibility plans.

31 (D) Adopt processes for the amendment of general and specific  
32 plans to be consistent with the airport land use compatibility plans.

33 (E) Designate the agency that shall be responsible for the  
34 preparation, adoption, and amendment of each airport land use  
35 compatibility plan.

36 (3) The Division of Aeronautics of the department shall review  
37 the processes adopted pursuant to paragraph (2), and shall approve  
38 the processes if the division determines that the processes are  
39 consistent with the procedure required by this article and will do  
40 all of the following:

1 (A) Result in the preparation, adoption, and implementation of  
2 plans within a reasonable amount of time.

3 (B) Rely on the height, use, noise, safety, and density criteria  
4 that are compatible with airport operations, as established by this  
5 article, and referred to as the Airport Land Use Planning Handbook,  
6 published by the division, and any applicable federal aviation  
7 regulations, including, but not limited to, Part 77 (commencing  
8 with Section 77.1) of Title 14 of the Code of Federal Regulations.

9 (C) Provide adequate opportunities for notice to, review of, and  
10 comment by the general public, landowners, interested groups,  
11 and other public agencies.

12 (4) If the county does not comply with the requirements of  
13 paragraph (2) within 120 days, then the airport land use  
14 compatibility plan and amendments shall not be considered adopted  
15 pursuant to this article and a commission shall be established within  
16 90 days of the determination of noncompliance by the division  
17 and an airport land use compatibility plan shall be adopted pursuant  
18 to this article within 90 days of the establishment of the  
19 commission.

20 (d) (1) Notwithstanding subdivisions (a) and (b), and  
21 subdivision (b) of Section 21670, if, prior to January 1, 2011, the  
22 board of supervisors of a county and the city council of any city  
23 in which an airport was located each made a determination that  
24 proper land use planning pursuant to this article could be  
25 accomplished pursuant to this subdivision, that city may assume  
26 the planning responsibilities of an airport land use commission as  
27 provided for in this article for an affected airport, if all of the  
28 following conditions are met:

29 (A) The affected airport is certified by the Federal Aviation  
30 Administration of the United States Department of Transportation  
31 pursuant to Part 139 (commencing with Section 139.1) of Title 14  
32 of the Code of Federal Regulations.

33 (B) The affected airport has a noise compatibility program in  
34 effect approved by the Federal Aviation Administration pursuant  
35 to Part 150 (commencing with Section 150.1) of Title 14 of the  
36 Code of Federal Regulations.

37 (C) The affected airport was owned and operated, prior to  
38 January 1, 2010, by an agency that was headquartered in a county  
39 other than the county in which the airport was located.

1 (2) If the board of supervisors of a county and a city council  
2 made a determination pursuant to paragraph (1), the city council,  
3 subject to the review and approval by the Division of Aeronautics  
4 of the department, shall do all of the following:

5 (A) Adopt processes for the preparation, adoption, and  
6 amendment of the airport land use compatibility plan for each  
7 airport that is served by a scheduled airline or operated for the  
8 benefit of the general public.

9 (B) Adopt processes for the notification of the general public,  
10 landowners, interested groups, and other public agencies regarding  
11 the preparation, adoption, and amendment of the airport land use  
12 compatibility plans.

13 (C) Adopt processes for the mediation of disputes arising from  
14 the preparation, adoption, and amendment of the airport land use  
15 compatibility plans.

16 (D) Adopt processes for the amendment of general and specific  
17 plans to be consistent with the airport land use compatibility plans.

18 (E) Designate the agency that shall be responsible for the  
19 preparation, adoption, and amendment of each airport land use  
20 compatibility plan.

21 (3) The Division of Aeronautics of the department shall review  
22 the processes adopted pursuant to paragraph (2), and shall approve  
23 the processes if the division determines that the processes are  
24 consistent with the procedure required by this article and will do  
25 all of the following:

26 (A) Result in the preparation, adoption, and implementation of  
27 plans within a reasonable amount of time.

28 (B) Rely on the height, use, noise, safety, and density criteria  
29 that are compatible with airport operations, as established by this  
30 article, and referred to as the Airport Land Use Planning Handbook,  
31 published by the division, and any applicable federal aviation  
32 regulations, including, but not limited to, Part 77 (commencing  
33 with Section 77.1) of Title 14 of the Code of Federal Regulations.

34 (C) Provide adequate opportunities for notice to, review of, and  
35 comment by, the general public, landowners, interested groups,  
36 and other public agencies.

37 (4) If the city has not complied with the requirements of  
38 paragraph (2) by January 1, 2011, the affected airport is subject  
39 to the airport land use commission within 90 days of the  
40 determination of noncompliance by the division.



(e) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(f) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (e), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (e), on or before May 1, 1996, then a commission shall be established in accordance with this article.

SEC. 3. Section 21670.4 of the Public Utilities Code is amended to read:

21670.4. (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the

1 department's Airport Land Use Planning Handbook and referenced  
2 in the airport land use compatibility plan formulated under Section  
3 21675.

4 (b) It is the purpose of this section to provide the opportunity  
5 to establish a separate airport land use commission so that an  
6 intercounty airport may be served by a single airport land use  
7 planning agency, rather than having to look separately to the airport  
8 land use commissions of the affected counties.

9 (c) In addition to the airport land use commissions created under  
10 Section 21670, or the alternative planning undertaken pursuant to  
11 subdivision (c) or (d) of Section 21670.1, for their respective  
12 counties, the boards of supervisors and city selection committees  
13 for the affected counties, by independent majority vote of each  
14 county's two delegations, for any intercounty airport, may do either  
15 of the following:

16 (1) Establish a single separate airport land use commission for  
17 the airport. The airport land use commission shall consist of seven  
18 members to be selected as follows:

19 (A) One representing the cities in each of the counties, appointed  
20 by that county's city selection committee.

21 (B) One representing each of the counties, appointed by the  
22 board of supervisors of each county.

23 (C) One from each county having expertise in aviation,  
24 appointed by a selection committee comprised of the managers of  
25 all the public airports within that county.

26 (D) One representing the general public, appointed by the other  
27 six members of the commission.

28 (2) Designate an existing appropriate countywide ~~entity~~ *body*  
29 as that airport's land use commission pursuant to subdivision (a)  
30 or (b) of Section 21670.1.

31 SEC. 4. Section 21675.1 of the Public Utilities Code is  
32 amended to read:

33 21675.1. (a) Until a commission adopts an airport land use  
34 compatibility plan, a city or county shall first submit all actions,  
35 regulations, and permits within the vicinity of a public airport to  
36 the commission for review and approval. Before the commission  
37 approves or disapproves any actions, regulations, or permits, the  
38 commission shall provide public notice in the same manner as the  
39 city or county is required to provide for those actions, regulations,  
40 or permits. As used in this section, "vicinity" means land that will

1 be included or reasonably could be included within the airport land  
2 use compatibility plan. If the commission has not designated an  
3 airport influence area for the airport land use compatibility plan,  
4 “vicinity” means land within two miles of the boundary of a public  
5 airport.

6 (b) The commission may approve an action, regulation, or permit  
7 if it finds, based on substantial evidence in the record, all of the  
8 following:

9 (1) The commission is making substantial progress toward the  
10 completion of the airport land use compatibility plan.

11 (2) There is a reasonable probability that the action, regulation,  
12 or permit will be consistent with the airport land use compatibility  
13 plan being prepared by the commission.

14 (3) There is little or no probability of substantial detriment to  
15 or interference with the future adopted airport land use  
16 compatibility plan if the action, regulation, or permit is ultimately  
17 inconsistent with the airport land use compatibility plan.

18 (c) If the commission disapproves an action, regulation, or  
19 permit, the commission shall notify the city or county. The city or  
20 county may overrule the commission, by a two-thirds vote of its  
21 governing body, if it makes specific findings that the proposed  
22 action, regulation, or permit is consistent with the purposes of this  
23 article, as stated in Section 21670.

24 (d) If a city or county overrules the commission pursuant to  
25 subdivision (c), that action shall not relieve the city or county from  
26 further compliance with this article after the commission adopts  
27 the airport land use compatibility plan.

28 (e) If a city or county overrules the commission pursuant to  
29 subdivision (c) with respect to a public use airport that the city or  
30 county does not operate, the operator of the airport is not liable  
31 for damages to property or personal injury resulting from the city’s  
32 or county’s decision to proceed with the action, regulation, or  
33 permit.

34 (f) A commission may adopt rules and regulations that exempt  
35 any ministerial permit for single-family dwellings from the  
36 requirements of subdivision (a) if it makes the findings required  
37 pursuant to subdivision (b) for the proposed rules and regulations,  
38 except that the rules and regulations may not exempt either of the  
39 following:

1 (1) More than two single-family dwellings by the same applicant  
2 within a subdivision prior to June 30, 1991.

3 (2) Single-family dwellings in a subdivision where 25 percent  
4 or more of the parcels are undeveloped.

5 SEC. 5. Section 21677 of the Public Utilities Code is repealed.

6 SEC. 6. Section 21678 of the Public Utilities Code is amended  
7 to read:

8 21678. With respect to a public use airport that a public agency  
9 does not operate, if the public agency pursuant to Section 21676  
10 or 21676.5 overrules a commission's action or recommendation,  
11 the operator of the airport shall be immune from liability for  
12 damages to property or personal injury caused by or resulting  
13 directly or indirectly from the public agency's decision to overrule  
14 the commission's action or recommendation.

15 SEC. 7. Section 21679 of the Public Utilities Code is amended  
16 to read:

17 21679. (a) In any county in which there is no airport land use  
18 commission or other body designated to assume the responsibilities  
19 of an airport land use commission, or in which the commission or  
20 other designated body has not adopted an airport land use  
21 compatibility plan, an interested party may initiate proceedings in  
22 a court of competent jurisdiction to postpone the effective date of  
23 a zoning change, a zoning variance, a general or specific plan  
24 amendment, the issuance of a permit, or the adoption of a  
25 regulation by a local agency, that directly affects the use of land  
26 within one mile of the boundary of a public airport within the  
27 county.

28 (b) The court may issue an injunction that postpones the  
29 effective date of the zoning change, zoning variance, permit, or  
30 regulation until the governing body of the local agency that took  
31 the action does one of the following:

32 (1) In the case of an action that is a legislative act, adopts a  
33 resolution declaring that the proposed action is consistent with the  
34 purposes of this article stated in Section 21670.

35 (2) In the case of an action that is not a legislative act, adopts a  
36 resolution making findings based on substantial evidence in the  
37 record that the proposed action is consistent with the purposes of  
38 this article stated in Section 21670.

39 (3) Rescinds the action.

1 (4) Amends its action to make it consistent with the purposes  
2 of this article stated in Section 21670, and complies with either  
3 paragraph (1) or (2), whichever is applicable.

4 (c) The court shall not issue an injunction pursuant to  
5 subdivision (b) if the local agency that took the action demonstrates  
6 that the general plan and any applicable specific plan of the agency  
7 accomplishes the purposes of an airport land use compatibility  
8 plan as provided in Section 21675.

9 (d) An action brought pursuant to subdivision (a) shall be  
10 commenced within 30 days of the decision or within the appropriate  
11 time periods set by Section 21167 of the Public Resources Code,  
12 whichever is longer.

13 (e) If the governing body of the local agency adopts a resolution  
14 pursuant to subdivision (b) with respect to a public use airport that  
15 the local agency does not operate, the operator of the airport shall  
16 be immune from liability for damages to property or personal  
17 injury from the local agency's decision to proceed with the zoning  
18 change, zoning variance, permit, or regulation.

19 (f) As used in this section, "interested party" means any owner  
20 of land within two miles of the boundary of the airport or any  
21 organization with a demonstrated interest in airport safety and  
22 efficiency.

23 SEC. 8. Section 21682 of the Public Utilities Code is amended  
24 to read:

25 21682. (a) The department shall establish individual revolving  
26 fund subaccounts for eligible airports in the Aeronautics Account  
27 in the State Transportation Fund. Money payable under this section  
28 shall be credited to individual airport subaccounts annually, and  
29 except as provided in Section 21682.1, may be accumulated for a  
30 maximum period of five years.

31 (b) The department shall, except as provided in Section 21682.1,  
32 and subject to Section 21684, credit from the Aeronautics Account  
33 to each public entity owning and operating an airport or airports  
34 under a valid permit issued by the department for every airport  
35 that has not been designated by the Federal Aviation  
36 Administration as (1) a reliever airport, as defined in Section 503  
37 (a) (19) of the federal Airport and Airway Improvement Act of  
38 1982, as amended, or (2) a commercial service airport, as defined  
39 in Section 503 (a) (5) of the federal Airport and Airway  
40 Improvement Act of 1982, as amended, the sum of ten thousand

1 dollars (\$10,000) annually for each qualifying airport. These funds  
2 shall be paid to public entities upon request for expenditure on  
3 preapproved eligible projects. Eligible public entities may submit  
4 applications for the withdrawal of credited funds for expenditure  
5 on proposed projects in letter form to the department for review  
6 and approval. Projects identified shall be for airport and aviation  
7 purposes and operation and maintenance purposes. No payment  
8 made under this section is transferable, but shall be expended only  
9 upon the airport for which the payment is made, unless the  
10 department authorizes a payment to be transferred for expenditure  
11 on another airport owned or operated by the public entity. The  
12 department may establish any accounting systems it deems  
13 necessary to provide for the cumulation and expenditure of funds  
14 under this subdivision.

15 (c) If, in any year, there is insufficient money in the Aeronautics  
16 Account to make the credits specified in subdivision (b), the  
17 department shall, except as provided in Section 21682.1, and  
18 subject to Section 21684, credit to each public entity subaccount  
19 an amount that is equal to the total amount of money in the  
20 Aeronautics Account multiplied by a percentage equivalent to the  
21 proportion that the airport or airports of the public entity for which  
22 credit is required to be made pursuant to subdivision (b) bear to  
23 the total number of airports for which credit is required to be made  
24 pursuant to subdivision (b).

25 (d) No payment shall be made under this section to any public  
26 entity for any airport on which general or commercial aviation  
27 activities are substantially restricted if the airport is licensed to  
28 conduct these activities by the department. The department shall  
29 determine whether or not general or commercial aviation activities  
30 are restricted.

31 (e) The department shall adopt rules and regulations and  
32 establish procedures to effect prompt payment to public entities  
33 for eligible airport projects from money credited pursuant to this  
34 section.

35 SEC. 9. Section 21682.1 is added to the Public Utilities Code,  
36 to read:

37 21682.1. (a) (1) For purposes of this section, “authorized  
38 alternative planning body” means an entity that is authorized to  
39 adopt an airport land use compatibility plan pursuant to Article

3.5 (commencing with Section 21670), that is not an airport land use commission, and includes each of the following:

(A) An appropriately designated body, so designated *countywide* by the board of supervisors and the city selection committee of mayors in the county pursuant to subdivision (a) or (b) of Section 21670.1.

*(B) A city when undertaking planning pursuant to subdivision (d) of Section 21670.1.*

~~(B) The Division of Aeronautics if the division has contracted~~  
(C) A county, when the county has contracted with the Division of Aeronautics for the preparation of an airport land use compatibility plan pursuant to subdivision ~~(d)~~(e) of Section 21670.1.

~~(C)~~

(D) The county regional planning commission of the County of Los Angeles when acting pursuant to Section 21670.2.

~~(D)~~

(E) The San Diego Regional Airport Authority when acting pursuant to Section 21670.3.

(2) An “authorized alternative planning body” does not include a county or city that makes a determination, pursuant to subdivision (c) of Section 21670.1, that proper airport land use compatibility planning can be accomplished without the formation of an airport land use commission.

(b) When the division determines that funding is sufficient, the division shall inform counties that do not have an operating airport land use commission or authorized alternative planning body of the availability of funds for airport land use commission startup costs, and may grant fund moneys pursuant to Section 21682 for that purpose to counties that apply for funding.

(c) Upon the second anniversary of the division providing notice of the availability of funds pursuant to subdivision (b), a county owned or operated airport in a county that does not have an operating airport land use commission or authorized alternative planning body shall not be eligible for funding pursuant to Section 21682 until that county establishes an operating airport land use commission or authorized alternative planning body. If an operating airport land use commission or authorized alternative planning body is thereafter established in that county, each county owned or operated airport in that county shall be eligible for prospective

1 funding pursuant to Section 21682 and for not more than twenty  
2 thousand dollars (\$20,000) of credited funds.  
3 (d) Upon the second anniversary of the division providing notice  
4 of the availability of funds pursuant to subdivision (b), the division  
5 shall not credit more than twenty thousand dollars (\$20,000) to  
6 the individual revolving fund subaccount of a county owned or  
7 operated airport in a county that does not have an operating airport  
8 land use commission or authorized alternative planning body. If  
9 an operating airport land use commission or authorized alternative  
10 planning body is thereafter established in that county, the  
11 commission shall prospectively resume crediting of funds to the  
12 individual revolving fund subaccount of each county owned or  
13 operated airport in that county.

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